

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 002221PC	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/IL04/00238	International filing date (day/month/year) 11 March 2004 (11.03.2004)	Priority date (day/month/year) 13 March 2003 (13.03.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7): A61H 1/00, 1/02, 5/00 and US Cl: 601/2, 15, 18, 20, 21, 33-35, 46, 84; 607/3, 115		
Applicant TORBATI, ELDAD		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 12 May 2005 (12.05.2005)	Date of completion of this report 21 October 2005 (21.10.2005)	
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer <i>Sharon A. Greene for</i> Ruth S. Smith Telephone No. 571-272-4745	

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☒ the description:
pages 1-25 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the claims:
pages 26-34 as originally filed/furnished
pages* NONE as amended (together with any statement) under Article 19
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☒ the drawings:
pages 1-7 as originally filed/furnished
pages* NONE received by this Authority on _____
pages* NONE received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IL04/00238

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Inventive Step (IS)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Industrial Applicability (IA)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO

2. Citations and Explanations (Rule 70.7)
Please See Continuation Sheet

----- NEW CITATIONS -----

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 9,18,19,21-22,28,29,31,33-37,39,42,50,59,60,62-63,69-70,72,74-78,81-83

The opinion as to Novelty was negative (No) with respect to claims 1-8,10-17,20,23-27,30,32,38,40,41,43-49,51-58,61,64-68,71,73,79,80

The opinion as to Inventive Step was positive (Yes) with respect to claims 83

The opinion as to Inventive Step was negative (NO) with respect to claims 1-82

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-83

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE

V. 2. Citations and Explanations:

Claims 1,4,5,11,16,17,20,23-25,30,32,38,43,46,47,52,57,58,61,64,65,66,71,73,79,80 lack novelty under PCT Article 33(2) as being anticipated by Richards et al. Richards et al disclose a therapy device used to provide both ultrasound therapy and electrical stimulation. The application of the device on the patient will inherently result in pressure being applied. The use of a gel applied between the body and the ultrasound applicator is well known to be inherent in the use of the system.

Claims 1,2,4-8,10-15,20,23-25,38,40,41,43,44,46-49,51-56,61,64-66,79,80 lack novelty under PCT Article 33(2) as being anticipated by Lewis. Lewis discloses an apparatus and method that operates as set forth in the claims to reduce cellulite in the body using ultrasound. The use of a gel applied between the body and the ultrasound applicator is well known to be inherent in the use of the system.

Claims 1-6,8,20,23-27,38,40,43-49,51,61,64-68,79,80 lack novelty under PCT Article 33(2) as being anticipated by Casas (EP 1 219 278 A2). Casas discloses an ultrasound apparatus and method that provides both ultrasound and massage therapy to reduce body fat and cellulite. The use of a gel applied between the body and the ultrasound applicator is well known to be inherent in the use of the system.

Claims 12,13,21,22,31,33-37,53,54,60,62,63,72,74-78 lack an inventive step under PCT Article 33(3) as being obvious over Richards et al. Richards et al disclose a therapy device used to provide both ultrasound therapy and electrical stimulation. The application of the device on the patient will inherently result in pressure being applied. The specific intensity used, treatment time used, type of stimulation used would have been obvious to one skilled in the art based upon known suitable choices for the intended use of the device.

Claims 9,21,22,50,62,63 lack an inventive step under PCT Article 33(3) as being obvious over Lewis. Lewis discloses an apparatus and method that operates as set forth in the claims to reduce cellulite in the body using ultrasound. The specific location where treatment occurs and the time of the overall treatment would have been obvious to one skilled in the art.

Supplemental Box

Claims 7,9-19,21,22,28,29,39,41,42,50,52-60,62,63,69,70,81,82 lack an inventive step under PCT Article 33(3) as being obvious over Casas (EP 1 219 278 A2). Casas discloses an ultrasound apparatus and method that provides both ultrasound and massage therapy to reduce body fat and cellulite. The specific intensity used, treatment time used, type of stimulation used would have been obvious to one skilled in the art based upon known suitable choices for the intended use of the device. Furthermore, the use of camera and measuring devices to record the procedure being performed is a well known expedient in the art.

Claim 83 meets the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a measuring method comprising the measurement steps as set forth.

Claims 1-83 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.